STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

In the Matter of the	**)**	
	)	
Proposed Revision to the Collocation	**)**	
Tariffs to Eliminate Charges for DC	**)**	**ICC Docket No. 05-0675**
Power on a Per Kilowatt-hour Basis	**)**	
and to Implement Charging on a Per	**)**	
Amp Basis	**)**	

INITIAL BRIEF OF THE STAFF OF THE ILLLINOIS COMMERCE COMMISSION

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The Staff of the Illinois Commerce Commission ("the Staff"), by and through its counsel, and pursuant to Section 200.800 of the Commission's Rules of Practice (83 Ill. Adm. Code 200.800), respectfully submits its Initial Brief in the above-captioned matter.

I. Introduction

On September 15, 2005, Illinois Bell Telephone Company filed its Ill. C. C. No. 20, Part 23, Section 4, Original Sheets 31.5 and 31.6, 3rd Revised Sheet No. 33, and 3rd Revised Sheet No. 43, ("Filed Rate Schedule Sheets") in which it proposed a revision to the Collocation Tariffs to eliminate charges for DC power on a per kilowatt-hour basis and to implement charging on a per amp basis, to be effective October 31, 2005. On October 19, 2005, the Commission suspended the Filed Rate Schedule Sheets and ordered a hearing concerning the propriety of the proposed revision to the Collocation Tariffs to eliminate charges for DC

power on a per kilowatt-hour basis and to implement charging on a per amp basis, and that pending the hearing and the decision thereon, the proposed revision to the Collocation Tariffs to eliminate charges for DC power on a per kilowatt-hour basis and to implement charging on a per amp basis should not go into effect. Suspension Order, at 1.

On November 15, 2005, the Administrative Law Judge ("ALJ") held an initial pre-hearing conference at which time a preliminary testimony and evidentiary hearing schedule was set. A subsequent status hearing was held on March 17, 2006 where the evidentiary hearings were rescheduled to April 10-12, 2006. In addition, the ALJ set the following post-hearing briefing schedule upon which the parties agreed: simultaneous Initial Briefs on May 2, 2006, simultaneous Reply Briefs on May 12, 2006. The ALJ also set simultaneous post proposed order exceptions and reply exceptions for June 19, 2006 and June 26, 2006, respectively. A final pre-hearing status was held on April 5, 2006.

Intervenors in the case include Mpower Communications Corp. d/b/a Mpower Communications of IL ("Mpower"); XO Communications Services, Inc. ("XO"); CIMCO Communications, Inc. ("CIMCO"); Level 3 Communications, LLC ("Level 3"); Covad Communications Co. ("Covad"); and McLeodUSA Telecommunications Services, Inc. ("McLeodUSA"). These intervenors are collectively referred to as "Joint CLECs". Qwest Communications Corp. ("QCC" or "Qwest") filed testimony independent from the Joint CLECs.

AT&T Illinois filed its Direct Testimony on December 9, 2005. Such testimony included the Direct Testimony of Larry Parker (AT&T Ex. 1.0),

Stephanie Brissenden (AT&T Ex. 2.0), Marvin Nevels (AT&T Ex. 3.0), Jeanne Muellner (AT&T Ex. 4.0), and Roman A. Smith (AT&T Ex 5.0).

The Joint CLECs and Staff filed simultaneous Direct Testimony. In this round, the Staff filed the Direct Testimony of Kathy Stewart (Staff Ex. 1.0), Mark Hanson (Staff Ex. 2.0), and the verified testimony of Russell Murray (Staff Ex. 3.0). The Joint CLECs filed the Direct Testimony of Steven Turner (Joint CLEC Ex. 2.0). QCC filed testimony by Victoria Hunnicutt-Bishara (QCC Ex. 1.0). McLeodUSA filed additional testimony by Tami Spocogee (McLeoudUSA Ex. 1.0).

On February 22, 2006, Staff filed the Rebuttal Testimony of Kathy Stewart (Staff Ex. 1.1), and Mark Hanson (Staff Ex. 2.1). Joint CLECs filed Rebuttal Testimony by Steven Turner (Joint CLEC Ex. 2.1).

On March 7, 2006, AT&T IL filed the Rebuttal Testimony of Larry Parker (AT&T Ex. 1.1), William Vangel, adopting the previous testimony of Stephanie Brissenden (AT&T Ex. 2.1), Marvin Nevels (AT&T Ex. 3.1), Jeanne Muellner (AT&T EX. 4.1), and Roman Smith (AT&T Ex. 5.1).

On March 29, 2006, Staff filed the Surrebuttal Testimony of Kathy Stewart (Staff Ex 1.2), and Mark Hanson (Staff Ex. 2.2). Joint CLECs filed testimony by Steven Turner (Joint CLEC Ex. 2.2), and QCC filed Surrebuttal Testimony by Victoria Hunnicutt-Bishara (QCC Ex. 1.1).

On April 5, 2006 AT&T IL filed the Surrebuttal Testimony of Marvin Nevels (AT&T Ex. 3.2), and Roman Smith (AT&T Ex. 5.2).

Evidentiary hearings convened in Chicago on April 10-11, 2006, where testimony was taken and evidence adduce. At the conclusion of the proceeding on April 11, 2006, the ALJ marked the docket heard and taken.

The Commission has no clear, proven course to follow in this proceeding. The issue of how best to charge CLECs for the power consumed in collocation arrangements has only recently moved to the forefront of the myriad issues between CLECs and ILECs that have emanated from the Telecommunications Act of 1996 ("TA 96"). The issue is currently before numerous state commissions. Of the state commissions that have issued orders, various components of the options discussed below have been adopted.

Staff, for the reasons articulated below, recommends that the Commission adopt a hand-held metering methodology[1]. Staff also recommends that the Commission not adopt AT&T's proposed 5 amp minimum absent an effort to quantify the usage of low drawing collocated equipment.[2]

II. Issues

1. Whether A Return Side Measurement System Is Significantly Inaccurate.

The current return-side measuring methodology is significantly inaccurate. AT&T Ex. 5.0 (Smith), at 6, 13; Staff Ex. 1.0 (Stewart), at 9; Staff Ex. 3.0 (Murray), at 4; Joint CLECs Ex. 1.0 (Turner), at 27; Tr. (Stewart) at 614; Tr. (Hanson) at 609-610. All parties appear to agree that the current system is

[1] There are two proposed hand-held metering methods, which are addressed in detail below.

[2] Although Staff does not address every potential issue raised in this proceeding, it reserves its right to reply to any parties' comments in Staff's Reply Brief.

inaccurate. In fact, it is Staff's position that the return side measuring methodology is so inaccurate that it is not consistent with the Commission's "usage-based" directive in its ICC Docket No. 96-0486/96-0569[3]. Because the return side methodology is inconsistent with the Commission's usage based directive, Staff recommends that the Commission order AT&T to abandon its current return side metering method and implement a new power measuring methodology.

a. If The Return Side Metering Methodology Is Significantly Inaccurate, Whether The Inaccuracy Is Site-Specific Or General

The return-side metering methodology's inaccuracies are site specific. Every AT&T central office appears to be losing significant amounts of power due to grounding leakage. The amount of leakage, however, varies from site to site and even from collocation cage to collocation cage. Staff Ex. 1.0 (Stewart), at 10; AT&T Ex. 4.0 (Muellner), at 15 ("The leakage ranged as high as 90% and averaged 38%."), Sched. JM-2; AT&T Ex. 5.1 (Smith Rebuttal), at 29-30 ("the extent of leakage varies from CLEC to CLEC.").

2. Whether, If A Return Side Measurement System Is Significantly Inaccurate, A Readjustment Factor Can Be Applied To Achieve Sufficient Accuracy.

Applying a readjustment factor to return side metering methodology has some attractive aspects – little or no implementation costs and no increase in safety and network reliability concerns. Any attractive aspects of this option,

[3] Investigation into forward looking cost studies and rates of Ameritech Illinois for interconnection, network elements, transport and termination of traffic, Docket Nos. 96-0486/0569 (Cons.) February 17, 1998 ("*Second Interim Order*").

however, are outweighed, in Staff's view, by concerns that the readjustment factor, if not accurate for each individual collocation cage, would fail to be consistent with the Commission's usage-based directive. The primary problem with applying a readjustment factor is that there is "considerable variation" on the under-measurement of power in the current system. Staff Ex. 2.1 (Hanson Rebuttal), at 2. Thus, a collocator could end up paying for more usage than its actual consumption if a standard readjustment factor is applied because there are a few collocation arrangements that "skewer" the average. *Id*. Likewise, a collocator could also pay less than its actual consumption if a standard factor is applied.

In ICC Docket No. 96-0486/96-0569, the Commission ordered that collocation power be "based on usage" rather than capacity based. *Second Interim Order*, at 99. Staff witness Mr. Hanson testified that "[r]ates for DC power should be usage based to the extent possible given limitations on technology and other considerations." Staff Ex. 2.1 (Hanson Rebuttal), at 2. Thus, although there may be no bright line demarcating exactly what is usage based and what is not, Staff takes the position that these rates should be based, to the extent possible, on power actually consumed by the CLEC. Consequently, if the readjustment factor can be individually crafted to account, to the extent feasible, for each collocating CLEC's actual power consumption Staff's concerns would be adequately addressed. Barring that scenario, however, Staff would recommend against an add-on readjustment factor due to concerns of complying with the Commission's usage based directive.

3. Whether, If There Is No Readjustment Factor, Another Direct Measurement System Is Efficacious

a. Supply Side Measurement

Supply-side measurement would certainly be desirable from a metering accuracy perspective. No party seems to dispute the fact that supply-side metering would avoid the leakage problems accompanying return-side metering. Consequently, supply-side metering would appear to be inherently more accurate than the current return-side metering. Supply-side metering also provides a cumulative reading in that it measures all the power consumed by a CLEC, rather than the snapshot in time of CLEC power consumption provided by a hand-held metering methodology. Staff Ex. 1.0 (Stewart), at 11. Staff takes no position on whether supply-side metering is as accurate as split-core transducers ("SCTs"). Unfortunately, SCTs, to the best of Staff's knowledge, have not been installed in a single central office ("CO") environment to date and, thus, are not a proven metering methodology. Staff Ex. 1.0 (Stewart), at 11.

Unfortunately, supply-side metering has significant safety disadvantages. The primary safety disadvantage of supply-side metering is that "each circuit from the BDFB to the CLECs equipment must have its own shunt," and if the shunt comes into "contact with a technician, a tool or any other object" it could cause an electric short that could injure central office personnel and/or damage equipment. AT&T Ex. 3.0 (Nevels), at 14-16; AT&T Ex. 4.0 (Muellner), at 16-17; Staff Ex. 1.0 (Stewart), at 11. Supply-side metering requires many more shunts than return-side metering. *Id.*, Sched. MN-5; AT&T Ex. 3.1 (Nevels Rebuttal), at 6 ("[S]upply side metering will require as many as 10 shunts on the supply side

for every 1 shunt use on the return side.”). Supply-side metering, accordingly, would be significantly more dangerous than return-side metering or hand-held metering. Because SCTs are an untested methodology, Staff takes no position on whether supply-side metering is as dangerous as SCTs. In sum, in Staff’s view, supply-side metering is not sufficiently safe for Staff to recommend it.

Another significant disadvantage to supply-side metering is that it is relatively expensive to install, operate and maintain. AT&T Ex. 3.0 (Nevels-Rev’d), at 17; AT&T Ex. 4.0 (Muellner), at 17. It is far more expensive to install, operate and maintain a supply-side metering methodology than a hand-held metering methodology or than a return-side metering methodology (which is already in place), with a readjustment factor add on. Finally, the record is not clear on what the relative costs would be for installing SCTs. [cite] Staff, accordingly, takes no position on whether supply-side metering methodology would be more or less expensive to install, maintain and operate than SCTs.

Supply-side metering also has the disadvantage of being disruptive to install. Staff Ex. 1.0 (Stewart), at 11. As pointed out by AT&T witness, Mr. Nevels, testified: “Power metering, by its nature, requires that powered DC circuits be broken in order to install the shunt,” which would clearly disrupt CLEC operations and “would be compounded by the greater number of shunts needed” to be installed for supply-side metering. AT&T Ex. 3.1 (Nevels Rebuttal), at 9. Due to this need to break every circuit to install supply-side shunts, supply-side metering appears to be, relative to other proposed methodologies, prohibitively disruptive.

b. Hand-Held Measurement

All parties appear to agree that a hand-held metering methodology is sufficiently accurate to meet the usage-based directive of the Commission. Staff Ex. 1.0 (Stewart), at 12; AT&T Ex. 3.1 (Nevels), at 20; Joint CLECs Ex. 2.0 (Turner), at 10 ("Hand held meters . . . are very accurate and are very easy to calibrate").[4] Nonetheless, a hand-held metering methodology will only provide a snapshot in time of a CLEC's power draw. Staff Ex. 1.0 (Stewart), at 12. However, there is also record evidence that modern, digital collocated equipment limits "snapshot" concerns in that once the digital equipment is turned on and up and running, its power draw remains constant. AT&T Ex. 3.1 (Nevels), at 27-28 ("Power consumption in telecommunications equipment is stable."); Joint CLEC Ex. 2.0 (Turner), at 29-30 ("Telecommunications equipment used in collocation arrangements does not have significant variation in power usage."); Tr. 427-28, *but see* QCC Ex. 1.0 (Hunnicut-Bishara), at 10, 14-15. If the collocated equipments' power draw remains constant, the snapshot that a hand-held methodology provides would be, in Staff's view, sufficiently accurate to comply with the Commission's usage based directive. A hand-held metering methodology, consequently, is more accurate than the existing return side metering methodology. Both the supply-side metering methodology and the SCT metering methodology provide accurate cumulative readings, while the hand-held method provides an accurate snapshot. All else being equal, Staff would prefer

[4] Although SBC witness, Mr. Nevels, at first characterized a hand-held metering methodology as "not practical" (AT&T Ex. 3.1 (Nevels Rebuttal), at 20), he seemed to have reversed his opinion after SBC included a hand-held metering methodology as an essential component of AT&T's proposal. Tr. 336.

an accurate cumulative reading rather than an accurate snapshot reading. Staff Ex. 2.1 (Hanson Rebuttal), at 4. All else, however, is far from being equal.

Both cumulative metering methodologies under consideration -- supply-side and SCTs – have their own respective disadvantages. As noted above, supply-side metering is expensive, disruptive and dangerous. SCTs, on the other hand, have not yet been installed in a CO environment and, thus, are not a proven metering methodology. Staff Ex. 1.0 (Stewart), at 11. SCTs also promise to be relatively expensive to implement, operate and maintain. AT&T Ex. 3.1 (Nevels), at 14.

A hand-held metering methodology is safe. Hand-held metering is clearly safer than a supply-side methodology and likely to be safer than return side metering, which has all of the dangers of the shunts in supply-side metering -- albeit fewer in number. Hand-held metering is generally safer than the other options because it is “hand-held” and, thus, requires no intrusive installation.

A hand-held metering methodology would not be expensive to install, operate and maintain. Hand-held meters cost roughly $100.00 to $300.00 per meter. Tr. 268. Hand-held meters, moreover, are portable in that they can be moved from one DC power delivery arrangement to another, central office to central office, and used over and over again. The low purchase price and the portability aspect of hand-held metering make it far and away less expensive than either supply-side metering or SCTs. The cost for implementing and maintaining a hand-held metering methodology and the already in-place return side metering would be roughly *de minimis* relative to the other proposed options.

Staff, however, prefers a hand-held metering methodology over using the current return side methodology because it is inaccurate. Likewise, a return side metering method with a readjustment factor is flawed because of the problems associated with finding an accurate readjustment factor for each individual CLEC collocation.

Another benefit of a hand-held metering methodology is that it is unlikely to be disruptive to install. Supply-side metering and SCTs are likely to be relatively intrusive, disruptive installations. On the other hand, hand-held metering and the in-place return-side metering with a readjustment factor add-on would not be disruptive installations. Again, Staff prefers the hand-held metering option over return side metering with an adjustment factor because of the potential accuracy problem Staff finds in the readjustment factor. In light of the serious negative aspects of the other proposed options, Staff recommends using a hand-held metering methodology.

There are essentially two hand-held metering proposals offered to the Commission. First, Staff proposed a "collaborative effort to obtain readings on the supply side power feeds for each collocation arrangement." Staff Ex. 1.0 (Stewart), at 17; AT&T Ex. 5.1 (Smith), at 18 ("AT&T is willing to cooperate (or collaborate) with CLECs in this effort [to determine actual load amps] if the CLEC would like our participation."). Second, AT&T has proposed a "Collocator-Specified Amperage Load" method, which would utilize hand-held meters to physically measure the actual DC current drain for each of a CLECs DC power delivery arrangements. See AT&T Ex. 5.2 (Smith Surrebuttal), at 5, and RAS-14;

Tr. 335. Staff has no preference in regard to either of the two hand-held metering methodologies. Staff, however, does oppose the AT&T proposed 5 amp minimum. Accordingly, Staff recommends both the Staff proposed collaborative hand-held metering methodology or the AT&T CLEC self-certified hand-held metering methodology, albeit without the AT&T proposed 5 amp minimum.

c. Split Core Transducers ("SCTs")

The record evidence on SCTs is inconclusive. On the one hand, Joint CLEC witness, Mr. Steven Turner, testified that "split-core transducers provide comparable accuracy to shunts, are compatible with them (with regards to the information to be supplied back to the monitoring device), and can easily be installed around the DC power cable without 'opening' the cable. Joint CLEC Ex. 2.0 (Turner), at 49. Mr. Turner further stated that "split-core transducers are not a part of the electrical circuit" and as such, "they pose no risk towards causing a short." *Id*., at 51.

AT&T witness, Mr. Nevels, on the other hand, testified that SCTs are "not a viable alternative for power metering in Illinois." AT&T Ex. 3.1 (Nevels Rebuttal), at 13. Mr. Nevels explains that, in his opinion, SCTs are "affected by magnetic disturbance" and, thus, the magnetic field around them and any changes in that magnetic field "can affect their ability to measure power." *Id*. Further, SCTs "would require a [SCT] on every cable being measured, which would increase the need for metering equipment and increase the costs associated with metering. Moreover, according to Mr. Nevels, the DC power

cables are sewn together and would need to be pried apart where the SCT would be placed, which could harm the integrity of the DC power cable. *Id.*, at 14-15.

Due to the unproven nature of SCT technology, Staff cannot recommend this option to the Commission. If the Commission, however, adopts the SCT proposal, Staff recommends that the Commission order it implemented through a "test" central office. In other words, even if the Commission were to adopt this proposal, Staff recommends that it not order SCTs to be implemented throughout central offices in AT&T's service area, but rather first implement it as a "test" in one central office. That way, any potential problems could be addressed in a cost efficient manner.

4. AT&T's Proposed Amperage-Based System

AT&T's existing return side metering system measures power on a per kilowatt hour (per kWH). AT&T Ex. 2.0 (Brissenden), at 3. AT&T seeks to change that return side system by moving to a per amperage approach. *Id*. Staff has no objection to an amperage based system as long as it is based upon "loaded amps" and that the usage is fairly constant. As Staff witness Mr. Hanson explained: "Assuming that the loaded amperage is fairly constant, a conversion of the existing per kWH charge to a per amp basis would reasonably reflect usage." Staff Ex. 2.1 (Hanson Rebuttal), at 4. As noted above, collocated equipment does not vary its power usage significantly. See AT&T Ex. 3.1 (Nevels), at 27-28; Joint CLEC Ex. 2.0 (Turner), at 29-30; *but see* QCC Ex. 1.0 (Hunnicut-Bishara), at 10, 14-15. Further, there appears to be no dispute that the actual conversion from a kWH basis to a per amp basis is a mere

mathematical exercise. AT&T Ex. 1.0 (Brissenden), at 5-6; Joint CLEC Ex. 2.0 (Turner), at 31; Staff Ex. 2.0 (Hanson), at 3.

Because of the equipments' constant power usage, Staff finds that either of the proposed hand-held metering methodologies (collaboration or self-certification) would accurately establish what the actual loaded amps are for any single collocation arrangement. Staff also finds that either of these hand-held metering methods meets the Commission's usage based directive. Staff Ex. 2.2 (Hanson Surrebuttal), at 1-2. Although Staff would prefer an accurate kWH metering system all else being equal, Staff recommends utilizing a usage based amperage system due to the prohibitive cost, and network reliability and safety issues inherent in implementing a new kWH metering system. Staff Ex. 2.1 (Hanson Rebuttal), at 4.

5. AT&T's Proposed 5 Amp Minimum

Staff's position is that AT&T's 5 amp minimum proposal is generally not compliant with the Commission's usage based directive. For example, if a CLEC has caged collocation equipment and that equipment is either not turned on or turned on but drawing close to zero amps (*i.e*., dormant), then charging CLECs a 5 amp minimum would be inconsistent with the Commission's usage based directive. AT&T appears to essentially acknowledge the 5 amp minimum is inconsistent with the Commission's usage based directive. *See* Tr. (Smith) 179, 213, 223-24; Tr. (Nevel) 338-39. AT&T, however, insists that CLECs have collocated equipment in their cages that essentially "warehouse power" and a

minimum amp requirement should be imposed. AT&T Ex. 3.2 (Nevels Surrebuttal), at 11-12; Tr. 179, 338.

Section 251(c)(6) of the Telecommunications Act of 1996 requires ILECs to provide for "collocation of equipment *necessary* for interconnection or access to unbundled network elements at the premises of the local exchange carrier . . . ." 47 USC §251(c)(6)(emphasis added). The FCC, ultimately, defined "necessary" as equipment that would, absent deployment, as a practical, economic, or operational matter, preclude the requesting carrier from obtaining 'equal in quality' interconnection or non-discriminatory access to unbundled network elements from the incumbent LEC." *Fourth Report and Order*, Deployment of Wireline Services Offering Advanced Telecommunications Capability, CC Docket No. 98-147 (Rel. Aug. 8, 2001), ¶ 2. Presumably, the dormant collocated equipment[5] at issue here is "necessary" equipment under Section 251(c)(6) because AT&T has not argued otherwise.

However, the FCC has also allowed ILECs to impose "reasonable restrictions on warehousing of *space*" so that one interconnecting CLEC could not unfairly deprive another CLEC the opportunity to collocate. First Report and Order, ¶ 586 (emphasis added). But as Mr. Nevels testified, AT&T is not concerned about the warehousing of *space*; it is, however, concerned about the "warehousing of *power*, which ties up valuable ports in its power delivery system." AT&T Ex. 3.2 (Nevels Surrebuttal), at 11 (emphasis added). Mr. Nevels made clear that AT&T is concerned about the warehousing of *power*,

[5] Qwest used a multiplexer example, the Cisco ONS 15454. Qwest Ex. 1.1 (Hunnicutt-Bishara), at 13-14.

when he explained that "[a]lthough the CLEC may have paid for the collocation space, the cost for positions on the BDFB and the power board are not recovered if the CLEC is consuming zero amps of power, as the cost for power infrastructure is recovered when the CLEC consumes and pays for power." *Id.*, at 12. Staff is unaware, at least to date, of any AT&T imposed federal "reasonable" limitations on the warehousing of space or, for that matter, of power. Barring AT&T raising any such limitations, Staff is not aware of any other federal or state limitations on a CLEC for collocating equipment that is either dormant or draws insignificant amounts of power.

Staff recommends that an effort be undertaken, to the extent possible given limitations on technology and other considerations, to quantify the low levels of power dormant collocated equipment draws. Staff knows of no reason why an effort utilizing hand-held meters would not be able to accurately quantify the low levels of amperage used by dormant collocated equipment. *See e.g.*, Joint CLEC Ex. 2.0 (Turner), at lines 212-215 (CLECs can identify the amount of power used in 1 amp minimums). In turn, an effort to quantify the low levels of power drawn by dormant collocated equipment should address AT&T's warehousing of power concerns. AT&T, moreover, should *not* be authorized to bill and collect any charges associated with usage at DC power delivery arrangements that draw *no* DC power.

6. An Amperage-Based System Need Not Result In An Unlawful Rate Increase

As noted above, if the AT&T proposed 5 amp minimum is not implemented and if the power consumed by the collocated equipment remains fairly constant, DC power charges based on an amperage system should not increase CLEC rates by an amount that overcompensates AT&T for actual power consumed by CLECs. Staff Ex. 2.1 (Hanson Rebuttal), at 4. If the increase was more than the return side metered amount plus the amount of leakage, such an amount would, in Staff's opinion, be inconsistent with both the FCC TELRIC's cost causation principles and the Commission's usage based directive. Such a non-usage based cost (and a cost not caused by the CLECs) increase would need to be justified by an updated cost study. Since AT&T Illinois has not provided such a cost study in this proceeding, Staff believes its proposals best conforms to both the federal TELRIC cost causation requirements and this Commission's prior directive that these rates be usage based.

III. Conclusion

WHEREFORE, the Staff of the Illinois Commerce Commission respectfully requests that its recommendations be adopted in their entirety consistent with the arguments set forth herein.

Respectfully submitted,

/s/_____

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